

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA**

Friedrichs Harris, Administrator of the
Estate of Evan M. Harris, deceased,

Plaintiff,

v.

Civil Action No. 2:18-cv-39
Judge Bailey

Jennifer Randall Reyes and
Big Top Counseling & Consulting, LLC,

Defendants.

**ORDER APPROVING WRONGFUL DEATH SETTLEMENT,
APPROVING DISTRIBUTIONS AND DISMISSAL OF CIVIL ACTION**

On the 27th day of August 2019, Plaintiff Friedrichs Harris, as Administrator of the Estate of Evan M. Harris, filed his Petition for Approval of Wrongful Death Settlement and Distribution of Settlement Proceeds. This Court, after having reviewed the Petition and the signed consents of each of the beneficiaries, including Friedrichs Harris, Kathleen Stull Harris and Emily Harris, is of the opinion that the requested relief is proper and does hereby approve the settlement and the distribution as outlined in the Petition.

Plaintiff is hereby authorized to make the following distributions:

- a. Payment of legal fees to Law Offices of David A. Sims, PLLC in the amount specified in the contingency fee agreement;
- b. Payment of expenses to Law Offices of David A. Sims, PLLC in the amount that were identified to the Court in its confidential filing;
- c. Payment of the balance of the settlement proceeds to Kathleen Stull Harris, as the remaining beneficiaries have specifically waived any claim to the settlement proceeds; and,

- d. In authorizing the payment of the balance of the settlement proceeds to Kathleen Stull Harris, the Court finds that each of the other beneficiaries is competent to enter into a Consent to Settlement and Distribution, which specifically asks the Court to award the money to her; that each of the beneficiaries were advised as to the settlement amount; that each of them have specifically approved of the distributions; that the distributions were specifically disclosed to each of them, including the attorney fees and expenses; and, that each has voluntarily signed the Consent to Settlement and Distribution;

Pursuant the agreement of the parties, Defendant shall remit the 1% MPLA assessment fee to the United States District Court for the Northern District of West Virginia for transfer to the Board of Risk and Insurance Management.

Plaintiff is hereby authorized to sign a full and final release of all claims against the Defendants which were brought or could have been brought as a part of this lawsuit in exchange for the payment of the settlement proceeds.

This Court does hereby find that this matter has been resolved and that the matter should be and is hereby **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

DATED: August 28, 2019.

John Preston Bailey
United States District Judge

s/David A. Sims

David A. Sims (#5196)
LAW OFFICES OF DAVID A. SIMS, PLLC
P.O. Box 5349
Vienna, West Virginia 26105
304-428-5291
304-428-5293 (fax)
david.sims@mywvlawyer.com

CERTIFICATE OF SERVICE

I David A. Sims as counsel for Plaintiff do hereby certify that I served the attached Proposed **Order Approving Petition of Wrongful Death Settlement, Approving Distributions and Dismissal of Civil Action** through the Clerk of the Court CM\ECF system, which sent copies of the same to counsel for Defendants:

Macel Rhodes, Esquire
Zimmer Kunz
1280 Suncrest Towne Centre
Morgantown, WV 26505

Dated at Vienna, West Virginia on this 28th day of August 2019.

Friedrichs Harris, Administrator
By counsel,

/s/David A. Sims

David A. Sims (W.Va. Bar No. 5196)

LAW OFFICES OF DAVID A. SIMS, PLLC
P. O. Box 5349
Vienna, West Virginia 26105
(304)-428-5291
david.sims@mywvlawyer.com